

## EXHIBIT D

PUBLIC LAW BOARD 7861

CASE NO. 5  
INTERIM AWARD

Carrier File No. 1682795  
Organization File No. D3534

Parties to Dispute: (SMART Transportation Division)  
(and  
(Union Pacific Railroad Company)

Statement of Claim

Claim of Spokane Engineer M L Lebsack for reinstatement to service with all rights unimpaired, pay for all time and benefits lost and removal of all notations of this discipline from his personal record.

The Carrier or carriers and the employee or employees involved in this dispute are respectively carrier or employee within the meaning of the Railway Labor Act, as approved June 21, 1934. Public Law Board 7861 has jurisdiction over the parties and the dispute involved herein. Parties to said dispute were given due notice of hearing thereon.

Interim Award

Following formal arguments by the parties at the Public Law Board's hearing held on Thursday, November 8, 2018, in Chicago, Illinois, and after thorough review of the on-property hearing record, the Board has determined that Claimant, M.L. Lebsack, shall be returned to service on a last chance basis, without any back pay or benefits, on the condition precedent that he successfully completes a fitness-for-duty examination that shall include both a physical and a psychological evaluation. If Claimant is found medically and psychologically fit to return to duty, any future misconduct such as what occurred on November 20, 2016, will result in Claimant's dismissal from service. A final opinion and Award shall be issued at a later date. This Interim Award is submitted strictly for the purposes of expedience and convenience of the parties.

/s/ Cary Morgen  
Cary Morgen  
Chairperson and Neutral Member

Dated at Chicago, Illinois this 16<sup>th</sup> day of November, 2018.